

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                               |   |                                     |
|-------------------------------|---|-------------------------------------|
| <b>MARGARET A. CARTER,</b>    | ) |                                     |
|                               | ) |                                     |
| <b>Plaintiff,</b>             | ) |                                     |
|                               | ) |                                     |
| <b>v.</b>                     | ) | <b>Civil Action No. 2:07-cv-682</b> |
|                               | ) |                                     |
| <b>DIALYSIS CLINIC, INC.,</b> | ) |                                     |
|                               | ) |                                     |
|                               | ) |                                     |
| <b>Defendant.</b>             | ) |                                     |

**JOINT RESPONSE TO ORDER TO SHOW CAUSE**

**COME NOW** Plaintiff, Margaret A. Carter, and Defendant, Dialysis Clinic, Inc., and, in response to the Order to Show Cause, state as follows:

1. On October 16, 2007, Judge Watkins issued an Order to Show Cause, giving the parties until October 29, 2007 to show cause why they have failed to comply with the Court's September 10, 2007 Order to file a jointly prepared Rule 26(f) report on or before October 1, 2007.

2. The parties failed to file a timely Rule 26(f) report due to confusion as to which party would prepare an initial draft. Unfortunately, counsel for both parties inadvertently failed to observe the expiration of deadline for submission of the report. The parties respectfully apologize for their omission.

Concurrently with this response, the parties are filing a jointly prepared Rule 26(f) report.

3. On October 16, 2007, Plaintiff's counsel spoke with the Judge Watkins's clerk on his and Defendant's counsel's behalf to explain the mixup and apologize for the delay. \_\_\_\_\_

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff's and Defendant's counsel respectfully request leave to file the jointly prepared Rule 26(f) report.

s/ Russell P. Parker

John D. Saxon

Russell P. Parker

**JOHN D. SAXON, P.C.**

2119 Third Avenue North

Birmingham, Alabama 35203

(205) 324-0223

Attorneys for Plaintiff

s/ Davidson French

Davidson French

**BASS, BERRY & SIMS PLC**

315 Deaderick St.

Suite 2700

Nashville, TN 37238-3001

(615) 742-6240

Attorney for Defendant